

March 30, 2011

**VIA 2-DAY DELIVERY**

Ms. Jocelyn G. Boyd, Chief Clerk/Administrator  
South Carolina Public Service Commission  
Synergy Business Park  
Saluda Building  
101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210

RECEIVED  
MAY 11 2011  
SOUTH CAROLINA  
PUBLIC SERVICE  
COMMISSION

Re: DeltaCom, Inc. – Notification of Name Change - Addition of Service Mark

Dear Ms. Boyd:

DeltaCom, Inc. (the “Company”), an authorized telecommunications carrier in South Carolina<sup>1</sup>, hereby respectfully petitions the South Carolina Public Service Commission (“Commission”) to approve its adoption of a service mark for use in South Carolina. The Company requests to do business under the service mark “EarthLink Business”.

As the Commission is aware, EarthLink, Inc. recently acquired ITC^DeltaCom, Inc. (and, indirectly, DeltaCom, Inc.). In order to better integrate the operations of the Company and to avoid customer confusion, the Company has adopted service mark “EarthLink Business”. The adoption of this service mark by the Company will also enhance its ability to market its services, thereby benefiting consumers in South Carolina.

A copy of the authorization from the Secretary of State for the Company to use the approved service mark is appended hereto as *Exhibit A*.

Regarding customer notice, customers of the Company will have received written notice of the service mark through a bill message. A copy of the notification is attached as *Exhibit B*. To the extent that any customers have questions about the service mark appearing on their bills, the Company will respond to such inquiries individually.

Upon Commission approval, the Company will file its tariff revisions reflecting the Company’s service mark.

Enclosed please find a duplicate of this filing, one (1) copy and a self-addressed, postage-paid envelope. Please date-stamp the duplicate upon receipt and return it in the envelope provided. We trust this letter provides the information required in this matter. Should

<sup>1</sup> In South Carolina, the Company is authorized to provide telecommunications services pursuant to Docket No. 95-1208-C issued February 22, 1996, and Docket No. 96-314-C issued January 23, 1997.

the Commission have any questions or believe that any further information is required, please contact Heather Gibbs at 256-382-3943.

Respectfully submitted,

A handwritten signature in cursive script that reads "Heather Gibbs". The signature is written in black ink and is positioned above a horizontal line.

Heather Gibbs  
Regulatory Manager  
DELTACOM, INC.  
7037 Old Madison Pike, Suite 400  
Huntsville, AL 35806

Enclosures

cc: C. Dukes Scott, Executive Director Office of Regulatory Staff

# **Exhibit A**

**Secretary of State**

**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- Springfield

801 Adlai Stevenson Drive  
Springfield, IL 62703  
217-544-5900  
217-492-2727 (Fax)

**Matter#** Not Provided

**Order#** 692169-5

**Project Id :**

**Order Date** 03/01/2011

**Entity Name:** EARTHLINK BUSINESS  
**Jurisdiction:** SC - Secretary of State  
**Request for:** Fictitious or Assumed Name Filing  
**File Date:** 03/18/2011  
**Result:** Filed

Ordered by JEAN HOUCK - SENIOR MGR at DELTACOM, INC.

Thank you for using CSC. For real-time 24 hour access to the status of any order placed with CSC, access our website at [www.cscglobal.com](http://www.cscglobal.com).

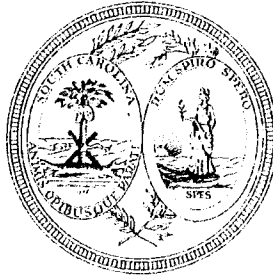
If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Amy Gudgel  
[agudgel@cscinfo.com](mailto:agudgel@cscinfo.com)

The responsibility for verification of the files and determination of the information therein lies with the filing officer; we accept no liability for errors or omissions.

# *The State of South Carolina*

**TRADEMARK  
REGISTRATION**



**SERVICE MARK  
REGISTRATION**

*Office of Secretary of State Mark Hammond*

**I, Mark Hammond, Secretary of State, hereby certify that the following mark has been registered in this state according to the provisions of the South Carolina Code of Laws Section 39-15-1105 et seq. to:**

DeltaCom, Inc.  
7037 Old Madison Pike  
Huntsville, AL 35806-



**Description:** The mark consists of the words "Earthlink Business" with a globe being orbited to the left.

**Date of First Use in South Carolina:** 1/2/2011  
**Class of Goods or Services:** Service mark #4

**Date of First Use:** 1/2/2011  
**Description of Goods or Services:** Communication services (voice, audio, visual images, mobile/wireless services, Internet/data services; e-mail, VoIP, web conferencing).  
**Expiration Date:** 3/18/2016

**Registration Date:** 3/18/2011  
**If an Entity, Organized under the Laws of Alabama**

**Given under my hand and Great Seal of the  
State of South Carolina on March 18, 2011**

A handwritten signature of Mark Hammond in black ink.  
Mark Hammond, Secretary of State

FILED

STATE OF SOUTH CAROLINA

MAR 18 2011

APPLICATION FOR REGISTRATION  
OF A TRADEMARK OR SERVICE MARK

*Mark Hammond*  
SECRETARY OF STATE

Original: \$15 per mark, per class  
Renewal: \$5  
Assignment: \$3

Check one:  
☐ Trademark or ☒ Service Mark

1. Name of Applicant: DeltaCom, Inc.
2. Applicant's principal place of business address: 7037 Old Madison Pike, Huntsville, Alabama 35806
3. Applicant's place of business address in South Carolina, if any: 1053 Keys Dr. Greenville, SC 29615  
2000 Center Point Dr. Ste. 2300 Columbia, SC 29210; 4401 Belle Oaks Dr. Ste. 410 N. Charleston, SC 29418
4. Applicant is:  
☐ an individual or sole proprietor  
☒ a corporation duly organized under the laws of the State of Alabama  
☐ a partnership duly organized under the laws of the State of \_\_\_\_\_  
Names of General Partners: \_\_\_\_\_  
☐ a Limited Liability Company duly organized under the laws of the State of \_\_\_\_\_  
☐ other \_\_\_\_\_
5. Describe the mark, including any literal and/or design elements if claimed: The mark consists of the words  
EARTHLINK BUSINESS with a globe being orbited to the left.
6. The actual goods or services in connection with which the mark is used (i.e., shoe laces, cat food, heating repair services, baby-sitting services, etc.): communications services (voice, audio, visual images,  
mobile/wireless services, Internet/data services; e-mail/voicemail, VoIP, web conferencing)
7. The mode or manner in which the mark is used (i.e., labels, advertisements, brochures, etc.): \_\_\_\_\_  
labels, advertisements, sales brochures, tariffs, business cards, company letterhead
8. The class(es) in which the goods or services fall (see attached): communication

9. The mark, with respect to the goods or services identified above, was first used by applicant or predecessor in interest as follows (include month, day, and year):

Date of first use anywhere: January 2, 2011 Date of first use in South Carolina: January 2, 2011

10. Has the applicant, or any predecessor in interest, ever filed an application to register the mark or portions of the mark or a composite of the mark with the United States Patent and Trademark Office?

☒ YES ☐ NO

If you answered "YES", please provide the full particulars including the filing date, serial number and status of each application. If an application was finally refused registration or has otherwise not resulted in registration, please state the reason for this:

1/12/11; 85215731; Live (filed by DeltaCom's parent company, EarthLink, Inc.)

1/12/11; 85215722; Live (filed by DeltaCom's parent company, EarthLink, Inc.)

11. Please enclose three (3) original, identical specimens showing the mark as actually used.

#### DECLARATION OF OWNERSHIP

Applicant herewith declares that he/she has read the above and foregoing application and knows the contents thereof and that the facts set out herein are true and correct, that the three specimens of the mark submitted are true and correct, that the applicant is the owner of the mark, and that the mark is in use. Additionally, to knowledge of the person verifying this application, no other person has registered this mark either federally or in this State, or has the right to use this mark in its identical form or in near resemblance as to be likely, when applied to the goods or services of another person, to cause confusion or to cause mistake or to deceive.

Sworn to and subscribed before me

this 8th day of March 2011.

Vickie Shaw  
Notary Public of South Carolina Alabama

My Commission Expires: 12-4-13

**VICKIE SHAW  
NOTARY PUBLIC  
STATE OF ALABAMA  
MY COMMISSION EXPIRES: 12/04/13**

Don Hellwege  
Signature

Don Hellwege  
Name

Vice President, Assistant General Counsel  
Title

256-382-3861  
Telephone Number

March 8, 2011  
Date

#### NOTE

THE ACCEPTANCE OF A TRADEMARK OR SERVICE MARK FOR REGISTRATION BY THE OFFICE OF THE SECRETARY OF STATE PROVIDES THE OWNER WITH A RIGHT TO USE SUCH MARK IN THE STATE OF SOUTH CAROLINA ON THE GOODS AND SERVICES IDENTIFIED IN THE REGISTRATION APPLICATION. HOWEVER, THE OFFICE OF THE SECRETARY OF STATE DOES NOT SEARCH OTHER STATE OR FEDERAL REGISTRATIONS, INTERNET DOMAIN NAMES OR OTHER COMMON LAW (UNREGISTERED) USERS, THEREFORE, RIGHTS GRANTED BY THIS REGISTRATION MAY BE AFFECTED OR PREEMPTED BY PRIOR USE OR OTHER REGISTRATION OF THE MARK.

Yunus Data Internet Services for Business | Deltacom - Windows Internet Explorer

http://www.deltacom.com/index.html

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☆ ☆ Voice, Data, Internet Services for Business | Deltacom

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# Deltacom

is becoming

# EarthLink

## BUSINESS

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Secure Login

Web Hosting

Online Faxing

Access My Email

Contact Us

Chat Now

Email Us

Services: 1.800.238.3000

Sales: 1.877.238.1200

### Welcome to the Deltacom Business Solutions Center

Select your business type to get started.

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Cost-effective solutions for smaller businesses.  
[Get Started](#)

**Medium Business**  
Scalable solutions perfect for growing single or multi-site businesses.  
[Get Started](#)

**Enterprise Solutions**  
Networking and communications solutions for enterprise, government or university customers.

**Carrier/Wholesale**  
Facilities-based solutions for Inter-Exchange carriers, wireless carriers, CLECs, LECs, ISPs, ESPs and wireless.

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Inbox - Microsoft O...

Special Delivery Pro...

DBA Information - J...

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Pending - DBAs

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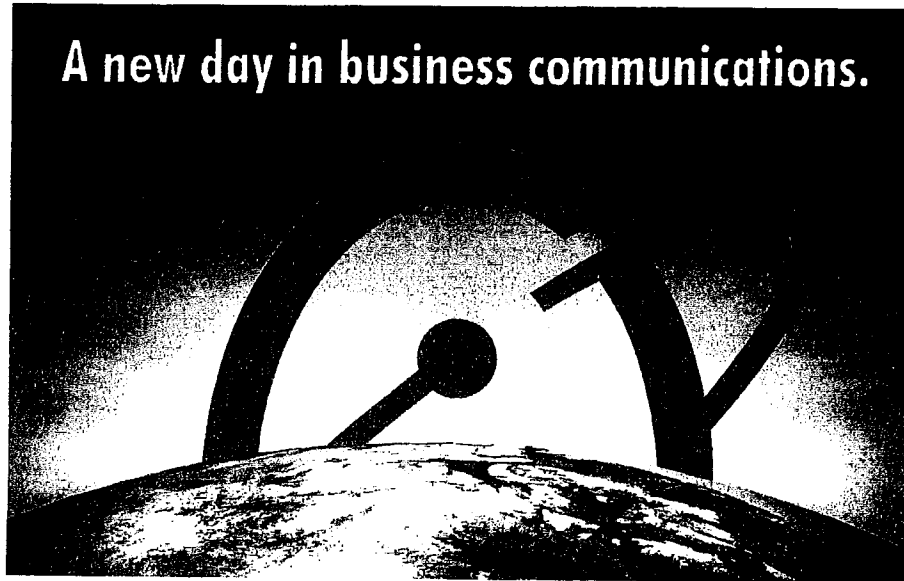
Internet

100%

9:10 AM

Monday

**A new day in business communications.**



### **Introducing EarthLink Business™**

EarthLink companies New Edge Networks and Deltacom have come together as EarthLink Business to change the landscape of business communications. EarthLink Business offers the best of both worlds – expansive network coverage and state-of-the-art IP infrastructure combined with personalized care and a custom approach. EarthLink Business provides a comprehensive suite of nationwide IP network solutions, managed services and regional voice supported by an experienced team of professionals focused on best-in-class customer care.



**deltacom!**

For more information, call or visit

**1-855-356-5249**

[www.earthlinkbusiness.com/aneday](http://www.earthlinkbusiness.com/aneday)

# **Exhibit B**

## **Customer Notice**

EarthLink joined forces with
Deltacom to create EarthLink
Business <sup>TM</sup> , one of the
nation's largest business-to-
business providers of IP
services, integrated voice and
data communications and
equipment solutions. To learn
more, visit
<a href="http://earthlinkbusiness.com">earthlinkbusiness.com</a> or
contact Customer Care at
1-800-239-3000.